

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 869 of 1986

Date of decision: 01-10-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

R V MEHTA

Versus

GUJARAT HOUSING BOARD

Appearance:

None present for Petitioner
MR H. L. Jani for Respondent No. 1, 3
MRS KETTY A MEHTA for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/10/96

ORAL JUDGEMENT

The matter was called out in the first round, second round and lastly in the third round. None appeared on behalf of the petitioner. Perused the special civil application and heard the counsel for the respondents.

It is not in dispute that the petitioner was

allotted premises at Patrakar Colony No.2. He has transferred the premises in the name of his son. Petitioner has been allotted new house in Patrakar Colony No.3 at Nava Wadaj, may be on the ground of being a journalist. The allotment was made of the aforesaid house, but the possession was not given to the petitioner on the ground that a person cannot have two houses from the Gujarat Housing Board, and the possession will be delivered only when he surrenders the earlier premises. The petitioner has contended that the earlier premises, though was allotted to him, is no more in his possession as he has transferred it to his son. This conduct of the petitioner is taken into consideration, then I do not find any justification for the claim of another house from the Housing Board. There is a rationale in the guidelines that a person cannot be allotted two houses and in case the plea of the petitioner is accepted it would virtually tantamount to allotment of two houses to one person. This court will not allow the petitioner to frustrate the rational object of the Corporation to provide only one house to a person. The petitioner has tried to make out a case of discrimination on the ground that some of the persons have been allowed to have two houses though earlier house has been transferred by them to their sons and relatives. Learned counsel for the Housing Board made statement before this court that in those cases action is being taken and the allotment of second house will be cancelled. Otherwise also that would have been equally illegal action of the Board and on the basis of illegal action of the Board it is difficult to accept the petitioner's plea of discrimination. If any authority is needed for this proposition then reference may have to be made to the decision of the Supreme Court in the case of Chandigarh Administration vs. Jagdish, AIR 1995 SC 705.

2. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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